In the High Court of Uttaranchal, at Nainital.

Criminal Appeal No. 325 / 2001
(Old No. 2708/1985)

Girish Pandey S/o Padma Dutt
R/o 138/1, Dharampur
Dehradun, P.S. Dalanwala,
District Dehradun ....Appellant.

Versus

Veer Singh S/o Kaluram R/o 138,
Dharampura
Dehradun, P.S. Dalanwala,
District Dehradun ... Respondent.

Ms. Seema Sirohi, Advocate for the appellant.
Sri A. Rab, learned Addl. G.A. for the State.

Hon'ble B.C. Kandpal, J.

This appeal has been preferred against the judgment and order dated 16-6-1982, passed by Additional Sessions Judge, Dehradun in criminal appeal No. 24 of 1982, Bir Singh Versus State, thereby acquitting the respondent Bir Singh.

2- Brief fats giving rise to this appeal are that the respondent Beer Singh was challaned by the police U/Ss 427, 504, 506 I.P.C. He was tried by the court of Special Judicial Magistrate, Dehradun. The trial court convicted the respondent for the offences U/Ss 427, 504 and 506 I.P.C. The trial court sentenced the respondent for a fine of Rs. 500/- U/S 427 I.P.C. and for fine of Rs. 250/- U/S 504 I.P.C. and again fine of Rs. 250/- U/S 506 I.P.C. and in default of payment of fine to undergo R.I. for three months R.I.

3- The respondent also preferred the appeal and the appellate court allowed the same and set aside the

conviction and sentence of the respondent vide impugned judgment and order dated 16-6-1982.

4- Feeling aggrieved by the aforesaid order, passed by the lower appellate court the appeal has been preferred before the Allahabad High Court, which has been transferred to this court after the creation of new State.

5- Heard learned counsel for the appellant, learned A.G.A. and perused the record.

6- Perusal of the judgment passed by the lower appellate court clearly indicates that the evidence available on the record has been adequately assessed and thereafter only the lower appellate court recorded the finding of the acquittal. I do not find any perversity or unreasonableness in the finding recorded by the lower appellate court. The judgment passed by the lower appellate court is based on valid and cogent reasons in disbelieving the evidence of the prosecution witnesses.

7- I do not find any ground for interference in the impugned judgment and order passed by the lower appellate court, acquitting the respondent.

8- The appeal lacks merit and is liable to be dismissed.

9- Accordingly the appeal is dismissed.

(B.C. Kandpal, J.)

Dated: 18-07-2006

ISB